

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 361

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO SALES AND USE TAXES; AMENDING SECTION 63-3622R, IDAHO CODE, TO
REVISE PROVISIONS RELATING TO THE APPLICATION OF EXEMPTIONS FOR VEHI-
CLES REGISTERED UNDER THE INTERNATIONAL REGISTRATION PLAN.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 63-3622R, Idaho Code, be, and the same is hereby
amended to read as follows:

63-3622R. MOTOR VEHICLES, USED MANUFACTURED HOMES, VESSELS, ALL-TER-
RAIN VEHICLES, TRAILERS, OFF-ROAD MOTORCYCLES, SNOWMOBILES AND GLIDER
KITS. There are exempted from the taxes imposed by this chapter:

(a) Sales to nonresidents of motor vehicles, trailers, vessels, all-
terrain vehicles (ATVs), motorcycles intended for off-road use and snowmo-
biles, for use outside of this state even though delivery be made within this
state, but only when:

(1) The motor vehicles, vessels, ATVs, motorcycles intended for off-
road use, snowmobiles or trailers will be taken from the point of deliv-
ery in this state directly to a point outside this state; and

(2) The motor vehicles, vessels, ATVs, motorcycles intended for off-
road use, snowmobiles and trailers will be registered immediately under
the laws of another state, will be titled in another state if required to
be titled in that state, will not be used in this state more than sixty
(60) days in any twelve (12) month period, and will not be required to be
titled under the laws of this state.

(3) For the purpose of this subsection (a), the term "all-terrain ve-
hicle" or "ATV" means all-terrain vehicle or ATV as defined in section
49-102, Idaho Code.

(4) For the purpose of this section, the term "vessel" means any boat
intended to carry one (1) or more persons upon the water which is either:

(i) Sold together with a motor, or

(ii) Eleven (11) feet in length or more, but shall not include ca-
noes, kayaks or inflatable boats, unless such canoes, kayaks or
inflatable boats are sold together with a motor.

(b) Sale of used manufactured homes, whether or not such used manufac-
tured homes are sold for use outside this state, and whether or not such used
manufactured homes are sold by a dealer. Every manufactured home sale after
its sale as a "new manufactured home," as defined in section 63-3606, Idaho
Code, is a sale as a used manufactured home.

(c) Sale or lease of motor vehicles with a maximum gross registered
weight over twenty-six thousand (26,000) pounds, which shall be immediately
registered under the international registration plan, whether or not base
plated in Idaho, and the sale or lease of trailers which are part of a fleet
of vehicles registered under the international registration plan when such

1 vehicles and trailers are substantially used in interstate commerce. If
2 such a motor vehicle or trailer is not substantially used in interstate com-
3 merce during any annual registration period four (4) fiscal year quarters
4 beginning July 1 and ending June 30 of each year under the international
5 registration plan, it shall be deemed used in Idaho and subject to the use tax
6 under section 63-3621, Idaho Code. For the purpose of this subsection, "sub-
7 stantially used in interstate commerce" means that the vehicles or trailers
8 will be part of a fleet with a minimum of ten percent (10%) of the miles oper-
9 ated by the fleet accrued outside of Idaho in any annual registration period
10 four (4) fiscal year quarters beginning July 1 and ending June 30 of each year
11 under the international registration plan.

12 (d) The sale or purchase of a glider kit when the glider kit will be used
13 to assemble a glider kit vehicle as defined in section 49-123, Idaho Code,
14 which will be immediately registered under a plan defined in subsection (c)
15 of this section, provided that if the glider kit vehicle is not substantially
16 used in interstate commerce as defined in subsection (c) of this section dur-
17 ing any registration period, it shall be subject to the use tax under section
18 63-3621, Idaho Code.

19 (e) The use or other consumption of a motor vehicle temporarily donated
20 to a driver's education program sponsored by a nonprofit educational insti-
21 tution as defined in section 63-36220, Idaho Code.